

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

AARON GLAESER,

Plaintiff,

v.

CHEATHAM COUNTY SHERIFF'S  
DEPARTMENT, MUNICIPAL GOVERNMENT  
OF CHEATHAM COUNTY, and  
JASON LITTLEJOHN,

Defendants.

Case No. 3:05cv1043

Judge Thomas A. Wiseman, Jr.  
Magistrate Judge Juliet E. Griffin

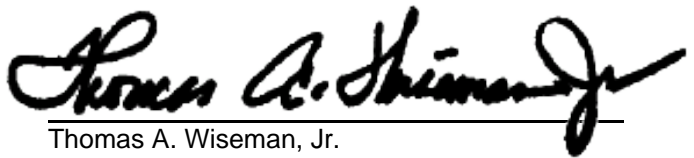
**ORDER**

Before the Court is Defendants' Motion to Dismiss (Doc. No. 17), in which the Defendants assert that they are entitled to judgment in their favor as a matter of law under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Defendants' motion is premised on three grounds: (1) that Plaintiff cannot proceed with a 42 U.S.C. § 1983 action when he fails to show his conviction for reckless endangerment has been eliminated, citing *Heck v. Humphrey*, 512 U.S. 477 (1994); (2) similarly, that Plaintiff is collaterally estopped from arguing that Defendant Jason Littlejohn, a Deputy with the Cheatham County Sheriff's Department, used excessive force in light of Plaintiff's guilty plea and conviction of the charge of reckless endangerment; and (3) that Defendants are entitled to qualified immunity where the Plaintiff has not shown that Defendants acted unreasonably in violating Plaintiff's clearly established constitutional rights given Plaintiff's guilty plea to the charge of reckless endangerment.

As set forth in the accompanying Memorandum Opinion, in construing the Complaint in the light most favorable to the Plaintiff, the Court finds that Defendants are not entitled to dismissal of Plaintiff's claims at this stage in the proceedings. Accordingly, Defendants' motion is hereby **DENIED**.

It is so **ORDERED**.

The case is referred to the Magistrate Judge for further case management as necessary.



Thomas A. Wiseman, Jr.  
Senior U.S. District Judge